REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-24 are currently pending. No claims have been amended herewith.

In the outstanding Office Action, Claims 1-3, 8-10, 15-17, and 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,237,143 to Fontana et al. (hereinafter "the '143 patent") in view of U.S. Patent No. 6,126,330 to Knight (hereinafter "the '330 patent"), further in view of U.S. Patent No. 6,041,327 to Glitho et al. (hereinafter "the '327 patent"); Claims 4, 11, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '143, '330, and '327 patents, further in view of U.S. Patent No. 4,672,611 to Fukuhara et al. (hereinafter "the '611 patent"); and Claims 5-7, 12-14, and 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '143, '330, '327, and '611 patents, further in view of PCT application WO 98/47270 to Tuominen (hereinafter "the '270 application").

Claim 1 is directed to an object-oriented method of collecting information regarding a plurality of target applications in an application unit, comprising: (1) notifying a monitoring device, by a first one of the plurality of target applications, through an interface, of an identification of the first one of the plurality of target applications; (2) requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to start monitoring usage of the first one of the plurality of target applications; (3) storing, by the monitoring device, information regarding monitored usage of the first one of the plurality of target applications; and (4) requesting the monitoring device, by the first one of the plurality of target applications, through the interface, to send the stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Office Action asserts that the '143 and '330 patents disclose everything in Claim 1 with the exception of the step of requesting the monitoring device to send the stored information regarding monitored usage to a first predetermined destination, and relies on the '327 patent to remedy that deficiency.

The '143 patent is directed to a method for monitoring and capturing the pattern of file usage for each of a plurality of diverse software tools provided on a computer system. As shown in Figure 3, the '143 patent discloses a system in which a file filter 18 monitors the file access of tool 17 and stores the monitored data in a monitor file 37. However, as admitted in the Office Action, the '143 patent fails to disclose the step of requesting the monitoring device, by a first one of the plurality of target applications, through the interface, to send stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination, as recited in Claim 1.

The '330 patent is directed to a computer-implemented method for providing run-time instrumentation for an object-oriented program computer application that uses a set of software tools to create a monitor input file that indicates which objects of the application should be monitored when a user interacts with them. However, as admitted in the Office Action, the '330 patent fails to disclose requesting a monitoring device, by a first one of a plurality of target applications, to send stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination, as recited in Claim 1.

The '327 patent is directed to a system including a client 14 and a server relational database 16 that is configured to monitor for accesses of the server relational database that indicate events of interest and to generate a notification concerning those events for communication to the client. In particular, the '327 patent discloses that the server relational database is a home location register database storing wireless subscriber data including, for

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example, the current location of each subscriber. Further, the '327 patent discloses that the

plurality of system nodes 12 comprise mobile switching centers (MSC) that switch calls to

and from subscriber mobile stations within the system 10. The client 14 comprises a

customer administrative system for the wireless telecommunications network.[1] In addition,

the '327 patent discloses that the client 14 can communicate through the server relational

database those events that the client would like the database to monitor for and to receive

notifications when those events occur. Further, the '327 patent discloses that the events in

question are events related to the system nodes 12.[2] In this way, the client 14 can monitor

fraudulent or unauthorized calls made on the system. However, Applicants respectfully

submit that the '327 patent fails to disclose the step of requesting the monitoring device, by

the first one of the plurality of target applications, through the interface, to send stored

information regarding monitored usage of the first one of the plurality of target applications

to a first predetermined destination, as recited in Claim 1. In particular, assuming that the

Office Action is equating (1) the client 14 with the claimed first one of the plurality of target

applications, and (2) the server relational database with the claimed monitoring device,

Applicants respectfully submit that the '327 patent fails to disclose that the client 14 requests

that the database 16 sends stored information regarding monitored usage of client 14 to a first

predetermined destination. Rather, the notification sent by the database to the client 14

relates to system node events, and not to events of the client 14. Moreover, the notifications

are not sent to a first predetermined destination, as required by Claim 1, but are sent to the

client 14.

Thus, no matter how the teachings of the '143, '330, and '327 patents are combined,

the combination does not teach or suggest requesting the monitoring device, by the first one

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[1] '327 patent, column 3, lines 3-8.
[2] See Id, column 4, lines 8-17.

of a plurality of target applications, through the interface, to send the stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination, as recited in Claim 1. Accordingly, for the reasons stated above, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 1 (and dependent Claims 2, 3, and 22) should be withdrawn.

Further, Applicants note that the stated motivation for combining the teachings of the '143, '330 and '327 patents is "because Glitho's requesting the monitoring device, by the first of the plurality of target applications, through the interface to send the stored information would improve the efficiency of Fontana and Bryant's systems by allowing the monitor to prevent such unauthorized calls from being completed."[3] However, Applicants respectfully submit that the '143 and '330 patents are not related to the prevention of unauthorized calls, as suggested in the Office Action. Accordingly, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated by the teaching in the '327 patent that unauthorized calls can be prevented to modify the teachings of the '143 and '330 patents. Accordingly, for this additional reason, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 1 (and dependent Claims 2, 3, and 22) should be withdrawn.

Independent Claims 8 and 15 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claims 8 and 15 (and all similar rejected dependent claims) should be withdrawn.

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[3] See page 4 of the outstanding Office Action.

Regarding the rejection of dependent Claims 4-7, 11-14, and 18-21 under 35 U.S.C. § 103, Applicants respectfully submit that the '611 patent and the '270 application fail to remedy the deficiencies of the '143, '330, and '327 patents, as discussed above. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claims 4-7, 11-14, and 18-21 should be withdrawn.

Thus, it is respectfully submitted that independent Claims 1, 8, and 15 (and all associated dependent claims) patentably define over any proper combination of the '270 application and the '143, '330, '327, and '611 patents.

Consequently, in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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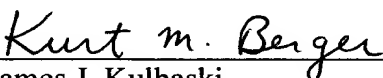MAIER & NEUSTADT, P.C.

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